estate located in said Frederick County, Maryland, being all those several tracts of land containing in the aggregate acres of land, more or less, in Saw Mill Bottom, and being all of the same real estate which was conveyed to the said Mary E. Smith and Howard M. Stup, as tenants in common, by deed from Daniel E. Smith, dated on the 13th day of November, 1925, and recorded in Liber No. 354, at folio 579, one of the land records for said Frederick County, and by a deed from Charles E. Klein et al, Executors, dated January 13th, 1926, and recorded in Liber No. 356 at folio 181, one of said Land Records, excepting one acre of land recently sold to Charles Bruchey, by deed recorded in Liber 374 at folio 600, one of land records.

- 2. That at the time of her death, the said Mary E. Smith left surviving her as her only heirs at law, a sister, the complainant, Alice V. Thompson, and two half brothers, the said Howard M. Stup, of Frederick County, Maryland, and Charles D. Stup of Baltimore City, and that the said Charles D. Stup, by deed recently recorded in Liber No. at folio one of said land records, conveyed all of his interest in said real estate to his brother, the said Howard M. Stup.
- 3. That your complainant is the owner of an undivided one-sixth interest in said real estate and that the defendant is the owner of an undivided five-sixth interest in said real estate, and that said real estate is not susceptible of division amongst the parties entitled to interests therein, without material loss and injury to the parties, as it consists of one set of buildings and has been used as one home.
- 4. That your petitioner and the defendant have tried for several months to get a division of said real estate or a settlement of their rights in the matter.

To the end therefore:

- (1). That a decree may be passed ordering the sale of said real estate and the appointment of a trustee or trustees to make sale thereof and to divide the proceeds amongst the parties entitled to interests therein.
- (2). That your complainant may have such other and further reliaf as the nature of her case may require.

And may it please your Honors to grant unto your complainant the usual writ of subpoena directed to the said Howard M. Stup residing near Saw Mill Bottom, in said Frederick County, Maryland, commanding him to be and appear in this Court on some certain day to be named therein and to abide by and perform such decree as may be passed herein.

And as in duty bound etc.,

H. K. DeLauter Solicitor for Complainant.

(Filed September 29, 1933)

EXHIBIT DEED.

At the request of Howard M. Stup and other the following deed was received for record and recorded January 13, 1926, at 3:20 o'clock P. M.

Test: Eli G. Haugh, Clerk.

This deed made this 13th day of January in the year nineteen hundred twenty six, by us, Charles E. Klein, executors of the last will and testament of Charles Samuel Klein, late of Frederick County, Maryland, deceased, witnesseth, that whereas by virtue of a power of sale contained in the aforesaid last will and testament, duly probated and recorded in Liber G. E. S. No. 1, folio 458, one of the Will Records in the Office of the Register of Wills for said Frederick County, we, the said Charles E. Klein and Jesse R. Klein, executors, have sold at private sale the hereinafter described real estate to Howard M. Stup and Mollie E. Smith at and for the sum of One Hundred Dollars, which sale has been duly reported to and finally ratified and confirmed by the Orphans' Court for said Frederick County, and the purchase